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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND

IN RE:) ADMINISTRATIVE ORDER NO. 03-5
)
USE OF SEVEN DAY) JUDGE RANDOLPH BAXTER
CLAUSES IN NOTICING) JUDGE PAT E. MORGENSTERN-CLARREN
HEARINGS ON MOTIONS) JUDGE ARTHUR I. HARRIS
AND OBJECTIONS IN)
THE CLEVELAND COURT)

It has been a common practice in the Cleveland Court for counsel to file and serve written hearing notices indicating that written responses must be filed and served no later than seven (7) calendar days preceding the date scheduled for such hearing and that, absent such a response, the motion or objection to claim may be granted without a hearing. In order to provide a proper basis for using such "seven day" clauses and to assure that such notices are also consistent with Official Forms 20A and 20B, the undersigned judges issue this Administrative Order pursuant to 11 U.S.C. §§ 102(1) and 105; Rules 1001, 9009, and 9029 of the Federal Rules of Bankruptcy Procedure; and N.D. Ohio Local Bankruptcy Rule 9013-1.

1. Except when a statute or the Federal Rules of Bankruptcy Procedure provide for a different time period, counsel may include a "seven day" clause as part of their Notice of Motion or Objection (Official Form 20A) or Notice of Objection to Claim (Official Form 20B).

2. The Notice of Motion or Objection should conform substantially to the sample Notice of Motion or Objection attached to this Administrative Order as Exhibit A.

3. The Notice of Objection to Claim should conform substantially to the sample Notice of Objection to Claim attached to this Administrative Order as Exhibit B.

4. All adaptations of these forms should carry out the intent to give notice of applicable procedures in easily understood language. Counsel may wish to consult the Committee Note and instructions accompanying Official Forms 20A and 20B, which are attached to this Administrative Order as Exhibit C.

5. A list of available hearing dates is included on the Court's website www.ohnb.uscourts.gov in the judges' information section. Counsel are responsible for ensuring that any hearing date included in a Notice of Motion or Objection (Exhibit A) or a Notice of Objection to Claim (Exhibit B) comports with any applicable provisions of the Bankruptcy Code and the Federal Rules of Bankruptcy Procedure. For example, under Fed. R. Bankr. P. 3007, an objection to claim, including notice of the hearing, shall be mailed at least 30 days prior to the hearing.

6. Nothing in this Administrative Order limits a judge's ability to request that counsel appear for a hearing, notwithstanding counsel's use of a seven day clause. Nor does anything in this Administrative Order limit a judge's ability to deny

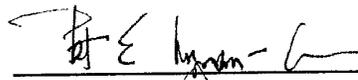
the relief requested, notwithstanding counsel's use of a seven day clause and the absence of any timely response.

7. Counsel may now use seven day clauses with all of the undersigned judges for motions for relief from stay and objections to claims. The use of seven day clauses for additional categories of motions and objections will vary depending upon the practices of individual judges. Counsel with questions regarding the extent of a judge's use of seven day clauses should contact that judge's Courtroom Deputy.

IT IS SO ORDERED.



JUDGE RANDOLPH BAXTER



JUDGE PAT E. MORGENSTERN-CLARREN



JUDGE ARTHUR I. HARRIS

Exhibit A to Administrative Order 03-5

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Case No. 03-12345
)
JOHN AND JANE DOE,) Chapter 7
)
Debtors.) Judge [*insert name of judge*]

NOTICE OF [*insert language of accompanying motion or objection*]

[*insert name of movant or objector*] has filed papers with the court to [*insert relief sought in motion or objection*].

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to [*insert relief sought in motion or objection*], or if you want the court to consider your views on the [*motion; objection*], then on or before [*insert calendar date seven days before the hearing*], you or your attorney must:

1. File a written response, explaining your position, at

U.S. Bankruptcy Court
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, Ohio 44114-1235

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

2. Mail a copy to:

[*insert movant's attorney's name and address*]

[*insert names and addresses of others to be served*]

3. Attend the hearing scheduled to be held on [*insert month, date, and*

year], at [insert time], in Room [insert room number for judge's courtroom], on the [insert floor number] floor of the Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114-1235. The hearing may be adjourned by the court from time to time without further notice.

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief without a hearing.

[signature of movant's attorney]
[name, bar #, address, phone, fax, e-mail]

CERTIFICATE OF SERVICE

I certify that on [insert date], copies of this Notice of [insert language of accompanying motion or objection] were served by ordinary U.S. mail to the persons listed below:

[signature of movant's attorney]
[name of movant's attorney]

Exhibit B to Administrative Order 03-5

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO

In re:) Case No. 03-12345
)
JOHN AND JANE DOE,) Chapter 7
)
Debtors.) Judge [*insert name of judge*]

NOTICE OF OBJECTION TO CLAIM

[*insert name of objector*] has filed an objection to your claim in this bankruptcy case.

Your claim may be reduced, modified, or eliminated. You should read these papers carefully and discuss them with your attorney, if you have one.

If you do not want the court to eliminate or change your claim, then on or before [*insert calendar date seven days before the hearing*], you or your attorney must:

1. File a written response to the objection, explaining your position, at

U.S. Bankruptcy Court
Howard M. Metzenbaum U.S. Courthouse
201 Superior Avenue
Cleveland, Ohio 44114-1235

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above.

2. Mail a copy to:

[*insert objector's attorney's name and address*]

[*insert names and addresses of others to be served*]

3. Attend the hearing on the objection scheduled to be held on *[insert month, date, and year]*, at *[insert time]*, in Room *[insert room number for judge's courtroom]*, on the *[insert floor number]* floor of the Howard M. Metzenbaum U.S. Courthouse, 201 Superior Avenue, Cleveland, Ohio 44114-1235. The hearing may be adjourned by the court from time to time without further notice.

If you or your attorney do not take these steps, the court may decide that you do not oppose the objection to your claim and may enter an order eliminating or changing your claim without a hearing.

[signature of objector's attorney]
[name, bar #, address, phone, fax, e-mail]

CERTIFICATE OF SERVICE

I certify that on *[insert date]*, copies of this Notice of Objection to Claim were served by ordinary U.S. mail to the persons listed below:

[signature of objector's attorney]
[name of objector's attorney]

Form 20A. NOTICE OF MOTION OR OBJECTION

Form 20B. NOTICE OF OBJECTION TO CLAIM

COMMITTEE NOTE (1997)

These forms are new. They are intended to provide uniform, plain English explanations to parties regarding what they must do to respond in certain contested matters which occur frequently in bankruptcy cases. Such explanations have been given better in some courts than in others. The forms are intended to make bankruptcy proceedings more fair, equitable, and efficient, by aiding parties, who sometimes do not have counsel, in understanding the applicable rules. It is hoped that use of these forms also will decrease the number of inquiries to bankruptcy clerks' offices.

These notices will be sent by the movant unless local rules provide for some other entity to give notice.

These forms are not intended to dictate the specific procedures to be used by different bankruptcy courts. The forms contain optional language that can be used or adapted, depending on local procedures. Similarly, the signature line will be adapted to identify the actual sender of the notice in each circumstance. All adaptations of the form should carry out the intent to give notice of applicable procedures in easily understood language.

NOTICE OF MOTION OR OBJECTION**I. INTRODUCTION**

Official Form 20A, Notice of Motion or Objection, is intended to provide uniform, plain English explanations to parties regarding what they must do to respond in certain contested matters which occur frequently in bankruptcy cases. Such explanations have been given better in some courts than in others. The form is intended to make bankruptcy proceedings more fair, equitable, and efficient, by aiding parties, who sometimes do not have counsel, in understanding the applicable rules.

The form is not intended to dictate the specific procedures to be used by different bankruptcy courts. The form contains optional language that can be used or adapted, depending on local procedures.

II. APPLICABLE LAW AND RULES

Rule 9014 of the Federal Rules of Bankruptcy Procedure (referred to as "Fed. R. Bankr. P. or "Bankruptcy Rule) requires that a person who asks that the court take certain types of action (which is referred to as requesting relief) must do so by filing a motion and giving the person against whom the relief is sought notice of the motion and an opportunity to respond. Examples of these contested matters include motions by creditors for relief from the automatic stay under Rule 4001(a), motions by debtors to avoid liens on exempt property under Rule 4003(d), and motions by trustees to assume, reject, or assign unexpired leases under Rule 6006(a). Form 20A also should be used to give notice to the debtor when the trustee or a creditor objects to the debtor's claim of exemptions under Rule 4003(b) or requests that the court modify the debtor's confirmed chapter 12 or chapter 13 plan under Rule 3015(g).

Bankruptcy Rule 9009 states that the Official Forms shall be used with alterations as may be appropriate. Any adaptation of Form 20A should carry out the intent to give notice of applicable procedures in easily understood language.

III. DIRECTIONS

1. Directions for the person preparing the notice are in italics and enclosed in brackets on the Official Form. Only the language which applies to the particular motion or objection under the Bankruptcy Rules, the court's local rules, or court order should be included in the notice. (Copies of the court's local rules may be obtained from the clerk's office or, in many instances, from the court's Internet website.) The notice may be modified to the particular requirements of the matter, but any adaptation should be consistent with the intent to give notice of applicable procedures in easily understood language. See Fed. R. Bankr. P. 9009.
2. The notice should be prepared and sent by the person who filed the motion or objection (the movant) unless the local rules or court order provide for some other entity to give notice.

Official Form 20A
continued

3. The caption should be placed at the top of the page and should conform to Official Form 16A. Instructions for Official Form 16A, Caption (Full), may be found following that form.
4. The name of the movant and a description of the relief requested from the court should be inserted in the first paragraph in the spaces indicated.
5. The action which the court has been asked to take and the deadline for responding to the motion or objection should be specified in the third paragraph in the spaces indicated.
6. In the space following the third paragraph, the person preparing the notice should specify whether the person receiving the notice must file a written request for a hearing or a written response in order to oppose the motion or objection. The address of the bankruptcy clerk's office, and the names and addresses of the movant's attorney and others to be served should be set out in the spaces indicated.
7. If a hearing has been scheduled on the motion or objection, the time, date, and place for the hearing should be specified in the space provided.
8. Any additional steps required to oppose the motion or objection under the local rules or court order should be set out in the space provided.
9. The person who prepares and sends the notice should sign and date it and set out the preparer's name and address in the spaces indicated.
10. Copies of the notice should be filed with the court and mailed to the person against whom relief is sought, that person's attorney (if any), and other parties as required by local rules or court order.

NOTICE OF OBJECTION TO CLAIM**I. INTRODUCTION**

Official Form 20B, Notice of Objection to Claim, is intended to provide creditors and other claimants with a uniform, plain English explanation of what they must do to respond to objections to their claims. (The requirements for completing Official Form 10, Proof of Claim, may be found following that form.) Form 20B is intended to make the court's resolution of objections to claims more fair, equitable, and efficient, by aiding creditors, who sometimes do not have counsel, in understanding the applicable rules. The form is intended to make it clear to creditors that the court may eliminate or change their claims unless they take the specified steps to oppose the objections.

The form is not intended to dictate the specific procedures to be used by different bankruptcy courts. The form contains optional language that can be used or adapted, depending on local procedures.

II. APPLICABLE LAW AND RULES

Rule 3007 of the Federal Rules of Bankruptcy Procedure (referred to as "Bankruptcy Rule" or "Fed. R. Bankr. P. ") requires that an objection to the allowance of a claim be in writing and filed with the court. A copy of the objection and a notice of the hearing on it must be mailed or otherwise delivered to the creditor, the debtor, and the trustee at least 30 days prior to the hearing. Form 20B is to be used to give notice of the objection and hearing.

Bankruptcy Rule 9009 states that the Official Forms shall be used with alterations as may be appropriate. Any adaptation of the form should carry out the intent to give notice of applicable procedures in easily understood language.

III. DIRECTIONS

1. Directions for the person preparing the notice and alternative language are enclosed in brackets on the Official Form. The preparer should use the language which applies to the court's local rules or court order. (Copies of the court's local rules may be obtained from the clerk's office or, in many instances, from the court's Internet website.) Any adaptation of the Official Form should be consistent with the intent to give notice of applicable procedures in easily understood language. See Fed. R. Bankr. P. 9009.
2. The notice should be prepared and sent by the person who filed the objection to claim (the objector) unless the local rules or court order provide for some other entity to give notice.

Official Form 20B
continued

3. The caption should be placed at the top of the page and should conform to Official Form 16A. Instructions for Official Form 16A, Caption (Full), may be found following that form.
4. The name of the objector should be inserted in the first paragraph in the blank provided.
5. The deadline for responding to the objection to claim should be specified in the third paragraph in the space indicated.
6. In the space following the deadline, the person preparing the notice should specify the steps which a creditor must take pursuant to local rules or court order to oppose the objection to claim.
7. The address of the bankruptcy clerk's office, and the names and addresses of the objector's attorney and others to be served should be set out in the spaces indicated.
8. The time, date, and place for the hearing on the objection to the claim should be specified in the space provided.
9. The person who prepares and sends the notice should sign and date it and set out the preparer's name and address in the spaces indicated.
10. Copies of the notice should be filed with the court and mailed to the creditor, the debtor, the trustee, and any other parties required by the court at least 30 days prior to the hearing.